



United States Department of the Interior
FISH AND WILDLIFE SERVICE

UTAH FIELD OFFICE
2369 WEST ORTON CIRCLE, SUITE 50
WEST VALLEY CITY, UTAH 84119

In Reply Refer To
FWS/R6
ES/UT

August 31, 2006

Dr. Dianne R. Nielsen
Director, Utah Department of Environmental Quality
P.O. 144810
Salt Lake City, UT 84114-4810

Dear Dr. Nielsen:

This letter is in reference to discussions the U.S. Fish and Wildlife Service (the Service) is initiating with United Park City Mines (UPCM), a privately held Utah company, regarding claims for Natural Resource Damages (NRD) that the Service believes have occurred and may be occurring at the Richardson Flats Tailings Superfund Site (Site), located outside of Park City, Utah. On February 16, 2006, the Environmental Protection Agency (EPA) provided notice to the Department of the Interior (Department) as a Federal Trustee for natural resources at the site, pursuant to Section 104(b)(2) of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA). Presumably, as the designated State Trustee under Section 107 (f)(2)(B) of CERCLA, you were provided with this notification as well.

The Department invites the Utah Department of Environmental Quality, as the designated Trustee for State-trust natural resources in Utah, to join us in participating in discussions with UPCM regarding cooperative resolution of Natural Resource Damage Assessment and Restoration (NRDAR) issues at the Richardson Flats Tailings Site. The Department believes that there are significant natural resources under both Federal and State trusteeship that have been and may currently be adversely impacted by releases of hazardous materials (chiefly heavy metals associated with mining such as lead, zinc, cadmium and mercury) that originate from the Site. In addition to site-related environmental data (e.g., soil, water, and sediment sampling; data collected for, and results of ecological risk analyses), two additional lines of evidence leading to this conclusion are: 1) the inclusion of the reach of Silver Creek adjacent to and below the Site on the State of Utah's Clean Water Act Section 303 (d) list of impaired water bodies; and 2) the existence of a fish consumption advisory on Silver Creek downstream of the Site.

As you may know, UPCM is entering the final stages of negotiating a remedial design/remedial action Consent Decree for the Site with the EPA; they have also expressed a desire to the Department to resolve NRD issues with a focus on natural resource restoration at the Site. The Department considers UPCM's history of cooperation with regulatory agencies and other stakeholders throughout the CERCLA process to be exemplary, and believes that these discussions will result in benefits to natural resources in the Silver Creek watershed. We believe that having the State join in a cooperative and collaborative NRDAR process at this Site has significant and substantial benefits. I invite you to contact me or my staff NRDAR coordinator, Chris Cline, as soon as possible to discuss this further. If you have decided,

or intend to decide against participating in this process, we would appreciate it if you would notify us in writing of that decision within 30 days, for inclusion in the administrative record for this issue. Chris or I can be contacted by phone at (801) 975-3330, or via email at larry_crist@fws.gov or chris_cline@fws.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Crist", with a stylized flourish at the end.

Larry Crist
Acting Utah Field Supervisor

cc: Dana Jacobsen, Solicitor,
U.S. Department of Interior, Denver, CO
Kathryn Hernandez, Remedial Project Manager,
U.S. Environmental Protection Agency, Denver, CO
Brad Johnson, Director, Division of Environmental Response and Remediation,
Utah Department of Environmental Quality
Bob Hasenyager, Supervisor, Utah Division of Wildlife Resources Northern Region
Utah Department of Natural Resources
Jim Karpowitz, Director, Utah Division of Wildlife Resources
Utah Department of Natural Resources